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15 **UNITED STATES BANKRUPTCY COURT**
16 **DISTRICT OF NEVADA**

17 In re:

18 THE RHODES COMPANIES, LLC, aka
19 "Rhodes Homes," et al.,

20 Reorganized Debtors

21 Case No.: 09-14814-LBR
22 (Jointly Administered)

23 Chapter 11

24 **STIPULATION TO VACATE**
25 **HEARING ON MOTION TO STAY**

26 Hearing Date: January 6, 2012
27 Hearing Time: 9:30 AM
28 Place: Courtroom 1

29 Affects all Debtors

30 Affects the following Debtors

1 James M. Rhodes ("Rhodes"), by and through his undersigned counsel, and the
2 Litigation Trust of The Rhodes Companies, LLC, et al. (the "Litigation Trust"), through their
3 undersigned counsel, (collectively referred to hereinafter as the "Parties"), respectfully submit
4 this *Stipulation to Vacate Hearing on Motion to Stay* (the "Stipulation") and agree and stipulate
5 as follows:

7 WHEREAS, on November 9, 2011, Rhodes filed his *Motion to Stay the Order Denying*
8 *Motion to Quash Rule 2004 Examinations and Corresponding Subpoenas* (the "Motion to
9 Stay") with the Court;

10 WHEREAS, on November 30, 2011, the Litigation Trust filed their *Response to Motion*
11 *to Stay the Order Denying Motion to Quash Rule 2004 Examinations and Corresponding*
12 *Subpoenas* (the "Response") with the Court;

14 WHEREAS, a hearing on the Motion to Stay has been scheduled for January 6, 2012 at
15 9:30 a.m. (PST);

16 WHEREAS, Rhodes has agreed to withdraw the Motion to Stay.

17 WHEREFORE IT IS HEREBY STIPULATED AS FOLLOWS:

18 1. The Parties respectfully request the Court vacate the hearing on the Motion to
19 Stay currently scheduled for January 6, 2012 at 9:30 a.m. (PST).

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1 **SUBMITTED BY:**

2 **FABIAN & CLENDENIN**

4 /s/ David R. Hague

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1 **APPROVED BY:**

2 **DIAMOND MCCARTHY LLP**

4 /s/ Eric D. Madden (with permission)

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2011, I caused the foregoing document to be filed electronically via the electronic filing system of the United States Bankruptcy Court for the District of Nevada, which caused a true and correct copy of the foregoing to thereafter be served electronically via the Bankruptcy Court's ECF noticing system upon those parties registered to receive electronic service in this case.

/s/ David R. Hague

4817-1879-4766, v. 2